

REMARKS

Claims 1 – 5, 8, 9, 12 – 14, and 16 – 19 are in the application. Claims 1, 16, and 19 are currently amended; claims 8 and 9 were previously presented; claims 6, 7, 10, 11, 15, and 20 have been canceled; and claims 2 – 5, 12 – 14, 17, and 18 remain unchanged from the original versions thereof.

Claims 1, 16, and 19 are the independent claims herein. No new matter has been added.

Reconsideration and further examination are respectfully requested.

Claim Objections

Claim 16 was objected to in the Final Office Action dated July 11, 2008. Per the Advisory Action dated September 29, 2008, the Response and Amendment to the Final Office was entered by the Office. In that Response and Amendment, Applicant amended claim 16 to overcome the objection thereto. Applicant respectfully submits that the amended claim 16 overcame the objection of record.

Applicant therefore submits claim 16 no longer stands objected to by the Office.

Claim Rejections – 35 USC § 103

Claims 1 – 5, 8, 9, 12 – 14, and 16 – 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,823,319 to Lynch et al., in view of U.S. Publication No. 2002/0082903 A1 to Yasuzawa and in further view of Official Notice. This rejection is traversed.

Applicant notes that claim 1 relates to a method of generating return targets for potential real estate deals, the method including receiving prior real estate deal information from a prior deal data source; defining a rule-based pricing system based on an analysis of the received prior real estate deal information; determining a collateral type associated with a potential real estate deal; receiving supplemental deal information associated with the potential real estate deal; and automatically generating a base return target loan spread for the potential real estate deal based on applying the collateral type and the supplemental deal information to the rule-based pricing system, the return target being at least one of: (i) a return on investment value, (ii) a net income value, (iii) an internal rate of return value, and (iv) a loan spread value. The claimed method further includes identifying a risk mitigant associated with the potential real estate deal based on the supplemental deal information; identifying a risk adder associated with the potential real estate deal based on the supplemental deal information; validating the rule-based system with additional prior real estate deal information; and automatically determining a return target loan spread for the potential real estate deal by adjusting the generated base return target in accordance with the identified risk mitigant the identified risk adder; and the validated rule-based system. Claims 16 and 19 are worded similar to claim 1.

Applicant respectfully submits that the cited and relied upon combination of Lynch, Yasuzawa, and the alleged Official Notice fails to disclose or suggest the claimed aspects of automatically generating a base return target loan spread for the potential real estate deal based on applying the collateral type and the supplemental deal information to the rule-based pricing system and automatically determining a return target loan spread for the potential real estate deal by adjusting the generated base return target in accordance with the identified risk mitigant the identified risk adder.

Regarding the Yasuzawa disclosure, Applicant notes, Yasuzawa is not clearly written and/or logically discusses the concepts therein. Further, the Final Office Action (FOA) provides very little in the way of explaining what Yasuzawa means. Instead, the Office Action only states conclusions of obviousness using Applicant's claim language,

stating motivation allegedly provided by Yasuzawa. Given the unclear meaning of Yasuzawa, the Office Action has failed to provide a prima facie case of obviousness.

Applicant respectfully submits that, as best understood given the quality of the cited and relied upon Yasuzawa, Yasuzawa is directed to an investment (Yasuzawa, [0041] as cited in the FOA) and investor analysis (Yasuzawa, [0049] as cited in the FOA). However, the pending claims are directed to automatically generating a base return target loan spread for the potential real estate deal based on applying the collateral type and the supplemental deal information to the rule-based pricing system and automatically determining a return target loan spread for the potential real estate deal by adjusting the generated base return target in accordance with the identified risk mitigant the identified risk adder.

Additionally, the FOA takes Official Notice that using various financial tools to analyze returns on investments, such as return on investment (ROI), net income, and loan spread analysis is old and well known. However, Applicant notes that the claims, as presently presented, do not claim “financial tools to analyze returns on investments, such as return on investment (ROI), net income, and loan spread analysis”. Again, claims 1, 16, and 19 each include recitations to “automatically generating a base return target loan spread for the potential real estate deal based on applying the collateral type and the supplemental deal information to the rule-based pricing system and automatically determining a return target loan spread for the potential real estate deal by adjusting the generated base return target in accordance with the identified risk mitigant the identified risk adder.”

Applicant respectfully submits that the combination of Lynch, Yasuzawa, and the alleged Official Notice does not render claims 1, 16, and 19 obvious under 35 USC 103(a).

Therefore, Applicant respectfully submits that the combination of Lynch, Yasuzawa, and the Official Notice fails to disclose or suggest claims 1, 16, and 19,

configured as claimed by Applicant. Applicant submits that the cited references also fail to render the dependent claims 2 – 5, 7 – 14, 17, and 18 obvious. Thus, Applicant requests the reconsideration and withdrawal of the rejection under 35 USC 103(a).

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

October 10, 2008
Date

/Randolph P. Calhoun/
Randolph P. Calhoun
Registration No. 45,371
Buckley, Maschoff & Talwalkar LLC
50 Locust Avenue
New Canaan, CT 06840
(203) 972-5985